

WATER PERMIT NO. 6185-3

Name of Applicant: Blumengard Colony

Address: 35075 148th St, Faulkton SD 57438

Phone: 605 324-3243

Amount of Water Claimed: 0.667 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Faulk

Type of Waste Disposal System:

Location: 14 miles north of Faulkton

PRIORITY

Date Received: 3-13-2000

Fee: \$275

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks: for commercial use in a dairy operation

Diversion Point: NE ¼ NE ¼ Sec 5-T120N-R69W

Land to be Irrigated: NA

Depth of Well: 300 feet

Well Driller: :

Remarks:

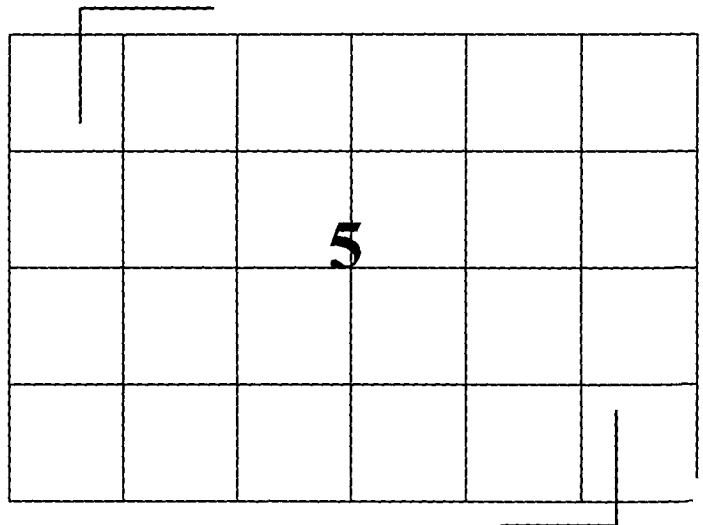
Type of Map: aerial

Prepared by: Grady Heitram, NRCS

Reviewed and the Number Assigned on: 3-13-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6185-3

Date of first receipt of application March 13, 2000.

The Water Management Board approved Water Permit Application No. 6185-3 on September 27, 2000 for Blumengard Colony, c/o Paul Hofer, 35075 148th St, Faulkton SD 57438 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6185-3 appropriates 0.667 cubic feet of water per second (300 gallons per minute) from one well (Grand Aquifer) 300 feet deep located in the NE ¼ NE ¼ Section 5-T120N-R69W.
2. The water appropriated shall be used for the purpose of domestic use and commercial use in a dairy operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is March 13, 2000.
5. One-fifth of the construction is to be completed on or before March 27, 2003.
6. All construction is to be completed on or before September 27, 2005.
7. Water is to be put to beneficial use on or before September 27, 2009.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6185-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. The well authorized by Permit No. 6185-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. Permit No. 6185-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 15 2001

date



• FORM 2: Application for uses other than irrigation
(type or print)

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 6185-3 Hydrologic Unit 10160008
Basin James River
Newspaper Faulk Co. Record, Faulkton, SD 57438



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) Place to Beneficial Use Water Reserved by Future Use Permit No. _____
Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Blumengard Colony Phone 605 324 3243
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Faulkton 35075 148th State S.D. 57438
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.667 *CFS or 300 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well Water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Well is located in the
NE 1/4 NE 1/4 S-120-69 Brady Well, DC Faulkton FO (NRCS)
County Faulk

5. County or counties where water will be used Faulk

6. Annual period during which water is to be used 12 Months Jan. 1 - Dec. 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

For Dairy Operation

STATE OF SOUTH DAKOTA)

County of Faulk SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Blumengard Colony, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Paul Hoyer

Subscribed and sworn to before me this 9th day of March 2000

WALTER C. KAUFMAN, Notary Public
Faulk County, South Dakota
My Commission Expires South 22, 2002

Walter C. Kaufman
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/4" Depth 300"
- b) Casing Type PVC Diameter 8' Thickness .500
- c) Screen Type Stainless Diameter 4" Thickness .304 SS
- d) Gravel Pack _____ Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 230'
- f) Depth to Water (ground surface to water level) Surface
- g) Distance to nearest existing domestic well: _____

On applicants property X

On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

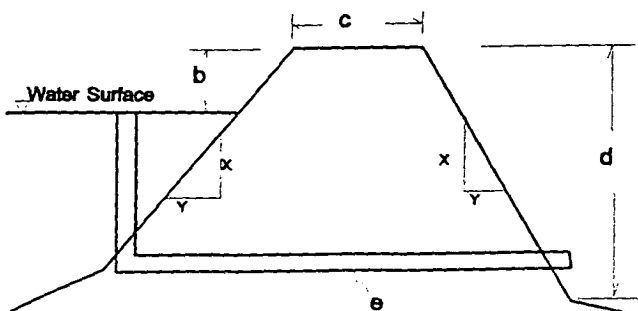
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
 Crest Length: _____
- d) Height _____
- e) Primary Outlet Capacity _____
 If pipe, diameter _____
- f) Secondary Spillway Capacity _____
 Spillway Width _____
- g) X & Y Slope _____
 Upstream _____
 Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

9 Brady
7/2/18
DC Faulkton FO
(NRC5)



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416419

Pierre, _____ March 13, 2000

RECEIVED OF Blumengard Hutterian Brethren, Inc., 35075 - 148th St., Faulkton, SD 57438-9302
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6185-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6185-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	325 00

By Harold E. Eble (S)

REPORT ON WATER PERMIT APPLICATION NO. 6185-3
for Blumengard Colony
March 23, 2000

Application No. 6185-3 proposes to appropriate 0.667 cfs (300 gpm) from one well approximately 300 feet deep located in the NE 1/4 NE 1/4 of Section 5, T120N-R69W in Faulk County. The water is for domestic and commercial use in a dairy operation.

AQUIFER - GRAND (G)

The Grand is a buried outwash (sand and gravel) which is under artesian conditions in this area. The aquifer underlies 74,200 acres and contains an estimated 556,000 acre feet of recoverable water in storage in Faulk County (Hedges, 1982). The aquifer is large and extends into McPherson, Edmunds and Campbell Counties to the north and blends into the Tulare aquifer to the south and east in Hand and Spink Counties. Ground water movement is from west to east in the area of this application (Hamilton, 1982).

The well information for this application is from an existing permitted well for the Colony in this same area. This log indicates the top of the Grand aquifer is at about 200 feet below land surface with a total depth of about 320 feet below land surface. The completed well free flowed at the land surface and was capable of producing about 100 gpm at a pumping level of about 20 feet below land surface.

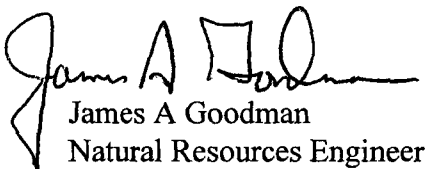
The Water Rights Program monitors an observation well, FA-80A, completed into the Grand aquifer and located about two miles east of this application. Water levels for this well indicate that the aquifer does recharge and in fact have come up about six feet since the observation well was constructed in 1980 (Water Rights, 2000). The water levels for this well are considerably lower than the water levels at the permit site. This phenomena is not easily explained. A hydrograph for this monitoring well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Water Permit Nos. 6111-3 and 5942-3 have a combined appropriation of 0.67 cfs from one well completed into the Grand aquifer and located about one-quarter mile southwest of this application. Both this application and the existing water permits are held by the Colony. Drawdown will be created by pumping at the requested rate. This drawdown is not expected to cause adverse effects to the existing permits. The colony will be able to manage pumping to minimize drawdown and lower pumps if necessary. There are no other existing water permits/rights in this area which obtain water from the Grand aquifer. There has been a complaint concerning pumping by the Colony and the effect upon area domestic wells. The problem was that pumping by the Colony had affected the area water level which in turn had caused a domestic well to stop flowing. It may be necessary to install a pump or lower an existing pump in order to maintain the supply of needed water.

CONCLUSIONS

1. Water is available from the Grand aquifer.
2. The aquifer is confined and under artesian conditions. In fact, the wells in this area free flow at the land surface. Pumping at the requested rates will create drawdown which will affect area water levels. Interference is not a concern. The Colony will be able to manage the drawdown or if necessary lower the pumps in their production wells. Other wells in the area which obtain water from the Grand aquifer may require the installation of a pump or lowering of the pump in order to maintain a water supply.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. There was a complaint filed concerning the original Water Permit No. 5942-3. As a result of an investigation of this complaint, the Colony filed Water Permit No. 6111-3 and a hearing was held on that application. The Water Management Board approved application No. 6111-3 after the hearing and there have been no additional complaints since that time.

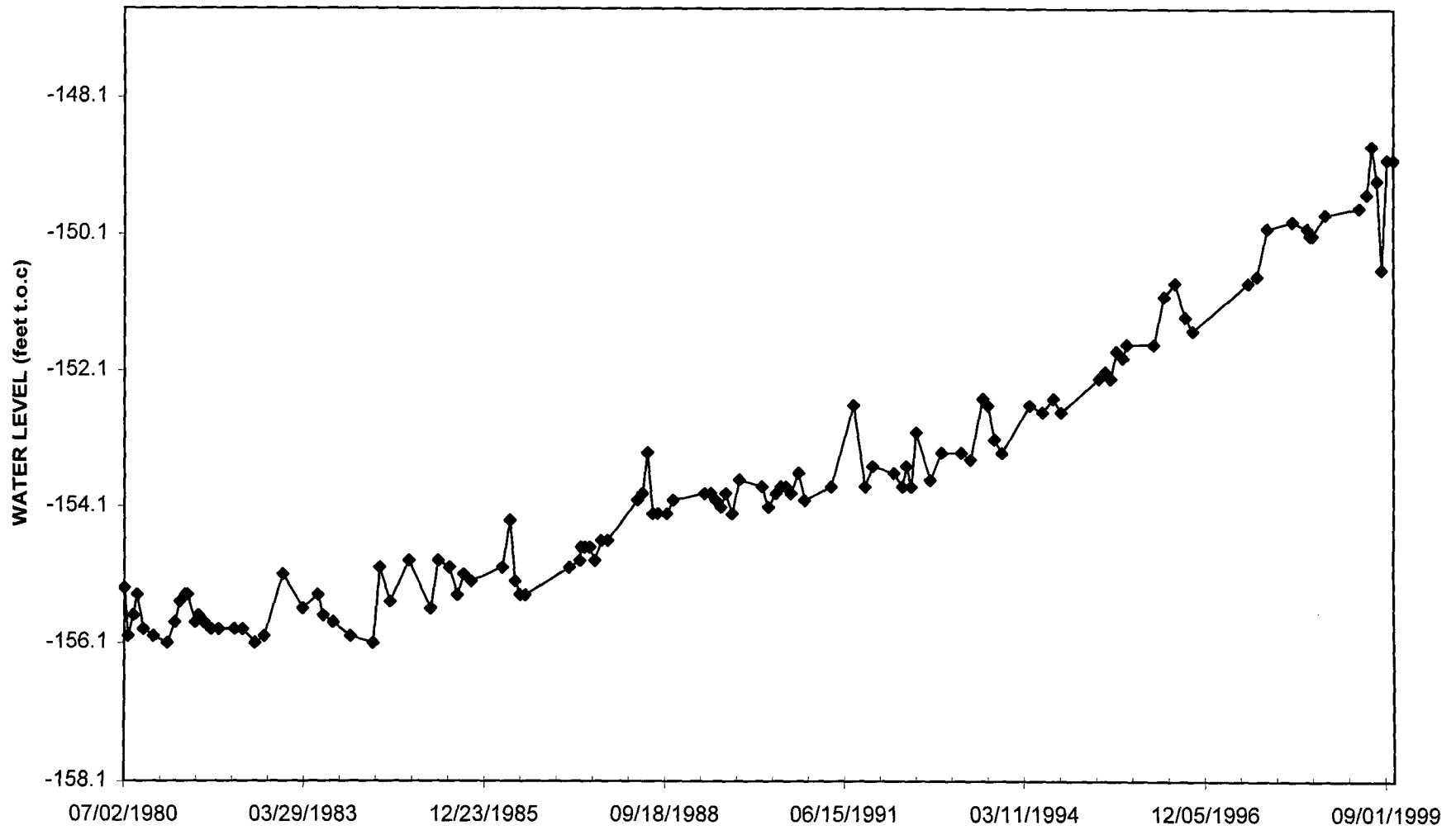


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Part II : Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., et al., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2000, Unpublished Observation Well Data for the Grand Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
FA-80A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6185-3, Blumengard Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6185-3, Blumengard Colony, c/o Paul Hofer, 35075 148th Street, Faulkton, SD 57438.

The Chief Engineer is recommending APPROVAL of Application No. 6185-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6185-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. The well authorized by Permit No. 6185-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. Permit No. 6185-3 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.



Garland Erbele, Chief Engineer
March 29, 2000



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 30, 2000

Faulk Co. Record
Box 68
Faulkton, SD 57438-0068

ATTENTION: Legal Public Notice

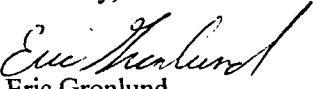
Enclosed is a Notice of Hearing on Application No. 6185-3 to Appropriate Water to be published twice. Please publish the first notice on April 5, 2000, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Blumengard Colony, %Paul Hofer, 35075 148th St., Faulkton, SD 57438 (Ph # (605) 324-3243).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. 6185-3

Date _____

We are in receipt of your letter of March 30, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6185-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

March 30, 2000

Blumengard Colony
%Paul Hofer
35075 148th St.
Faulkton, SD 57438

Dear Mr. Hofer:

Water Permit Application No. 6185-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Faulk Co. Record printed at Faulkton, SD (Ph # (605) 598-6525). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 30, 2000

Sharon and Jack Jones
P.O. Box 143
Faulkton, SD 57438

David Olen
14890 348th Avenue
Wecota, SD 57438

Loren Seidschlaw
14909 351st Avenue
Faulkton, SD 57438

Don Olen
15266 349th Avenue
Wecota, SD 57438

Evangeline Seidschlaw
P.O. Box 307
Faulkton, SD 57438

Dear Ladies and Gentlemen:

I am writing to make you aware of a pending water right permit application for Blumengard Colony. The Colony has filed an application to appropriate water for a dairy operation. Please find enclosed a copy of the report, recommendation and public notice for this application. The notice of hearing is scheduled to be published in the Faulk Co. Record on April 5 and 12, 2000. This public notice schedules a May 3rd hearing in Pierre before the Water Management Board. Petitions to intervene in the hearing must be submitted by April 24th as specified in the enclosed notice of hearing.

This information is being sent you since you were petitioners to a previous water permit application filed by Blumengard Colony. If you have any questions on this application, please contact Jim Goodman or myself at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on April 5, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING FOR APPLICATION NO. 6185-3 to Appropriate Water

Notice is given that Blumengard Colony, c/o Paul Hofer, 35075 148th St, Faulkton SD 57438 has filed an application for a water permit to appropriate 0.667 cubic feet of water per second (300 gallons per minute) from one well (Grand Aquifer) 300 feet deep located in the NE ¼ NE ¼ Section 5-T120N-R69W. The water is for domestic use and commercial use in a dairy operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6185-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 24, 2000. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 11:00 a.m., May 3, 2000, Floyd Matthew Training Center, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 3, 2000, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 24, 2000.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 24, 2000, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

**NOTICE OF HEARING
FOR APPLICATION NO. 6185-3
to Appropriate Water**

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46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



Affidavit of Publication

State of South Dakota

§

County of Faulk

James B. Moritz of said county, being first duly sworn, on oath says that he is the publisher of the **Faulk County Record**, a weekly newspaper printed and published in Faulkton in said County of Faulk and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**Notice of Hearing
Blumengard Colony
Appropriate Water**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

Two (2)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

**Wednesday, April 5, 2000
Wednesday, April 12, 2000**

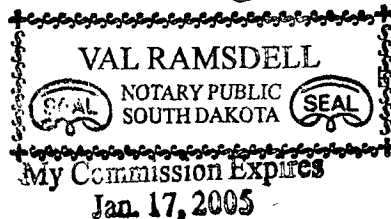
that the full amount of the fees for the publication of the annexed notice is **\$58.00**

James B. Moritz

Subscribed and sworn to before me this

13th day of April, 2000

Val Ramsdell



Notary Public
Faulk County, South Dakota

April 17, 2000



Mr. Garland Erbele, Chief Engineer
Department of Environment
and Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Mr. Eric Gronlund
Department of Environment
and Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

RE: Water Right Permit for Blumengard Colony

Gentlemen:

The undersigned hereby opposes the permit as set forth above and requests that the hearing in this matter be delayed for at least twenty days pursuant to the Notice of Hearing for Application No. 6185-3 to Appropriate Water

Thank you.


Sharon and Jack Jones,
Loren Seidschlaw, and
Sharon Jones, Trustee for
Evangeline Seidschlaw,



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 25, 2000

NOTICE

TO: Paul Hofer
Blumengard Colony
35075 148th Street
Faulkton, SD 57438
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Automatic Delay of Hearing on Water Permit Application No. 6185-3,
Blumengard Colony

A petition requesting an automatic delay has been submitted by petitioners in response the notice of hearing published for Blumengard's Water Permit Application No. 6185-3. The hearing on Application No. 6185-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on May 3, 2000.

The Water Management Board will now consider this application at their next regularly scheduled meeting on July 11 and 12, 2000. Future notice will be sent to parties of the exact time, date and location of the hearing.

Contact Eric Gronlund at (605) 773-3352, if you have any questions.

enclosure

c: Diane Best, Assistant Attorney General
Jeffrey T. Sveen, P.O. Box 490, Aberdeen, SD 57402-0490

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6185-3

APPLICANT

Paul Hofer
Blumengard Colony
35075 148th Street
Faulkton, SD 57438

PETITIONERS

Sharon and Jack Jones
P. O. Box 143
Faulkton, SD 57438

CERTIFICATION

I hereby certify that on April 25, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 25, 2000, along with a copy of the Parties of Record list, and a copy of a Petition received from Sharon and Jack Jones, regarding Automatic Delay of Hearing on Water Permit Application No. 6185-3, Blumengard Colony, addressed as stated below:

Paul Hofer, Blumengard Colony, 35075 148th Street, Faulkton, SD 57438.

Sharon and Jack Jones, P.O. Box 143, Faulkton, SD 57438.

Jeffrey T. Sveen, P.O. Box 490, Aberdeen, SD 57402-0490.

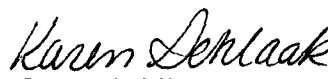
A copy of the above described Notice and attachments was sent Inter-office to:

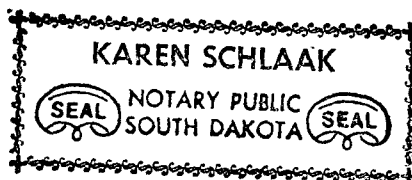
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of April, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 13, 2000

Jeffrey T. Sveen
P. O. Box 490
Aberdeen, SD 57402-0490

Dear Mr. Sveen:

As per your telephone request to Diane Best, please find enclosed a copy of the file in the matter of Blumengard Colony's Water Permit Application No. 6185-3.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 16, 2000

NOTICE

TO: Paul Hofer
Blumengard Colony
35075 148th Street
Faulkton, SD 57438
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Scheduling of Hearing on Water Permit Application No. 6185-3,
Blumengard Colony

Water Permit Application No. 6185-3 proposes to appropriate 0.667 cubic feet of water per second from a well constructed into the Grand Aquifer for domestic use and commercial use in a dairy operation. Petitioners requested an automatic delay of the May 3, 2000, hearing before the Water Management Board.

The Water Management Board will now consider Application No. 6185-3 on July 12, 2000, at 9:00 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD. The agenda time is an estimate and may be delayed due to prior agenda items.

Applicable provisions of the Notice of Hearing published April 5 and 12, 2000, in the Faulk County Record will still apply at the July 12th hearing before the Water Management Board. This hearing is an adversary proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General
Jeffrey T. Sveen, P.O. Box 490, Aberdeen, SD 57402-0490

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6185-3

APPLICANT

Paul Hofer
Blumengard Colony
35075 148th Street
Faulkton, SD 57438

PETITIONERS

Sharon and Jack Jones
P. O. Box 143
Faulkton, SD 57438

CERTIFICATION

I hereby certify that on June 16, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 16, 2000, along with a copy of the Parties of Record List, regarding Scheduling of Hearing on Water Permit Application No. 6185-3, addressed as stated below, and on the attached Parties of Record List:

Paul Hofer, Blumengard Colony, 35075 148th Street, Faulkton, SD 57438.

Jeffrey T. Sveen, P.O. Box 490, Aberdeen, SD 57402-0490.

A copy of the above described Notice and attachment was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

Karen Schlaak

Karen Schlaak

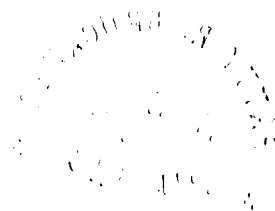
Natural Resources Scientist

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of June, 2000

*My Commission expires
09/06/2004*

Patty R. Bruckner
Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 2, 2000

NOTICE

TO: Paul Hofer
Blumengard Colony
35075 148th Street
Faulkton, SD 57438

Sharon and Jack Jones
P. O. Box 143
Faulkton, SD 57438

FROM: Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the matter of Water Permit Application No. 6185-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 8:30 AM on September 27, 2000 in the Angostura Room, Radisson Hotel, 445 Mt. Rushmore Road, Rapid City, SD.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and Parties of Record (names listed above) by September 6, 2000. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) and all Parties of Record by September 18, 2000.

Oral arguments by parties filing written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on September 27, 2000. The public hearing was completed July 12, 2000. No additional testimony will be received on September 27, 2000.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Ryan Boe, Siegel, Barnett & Schutz, P.O. Box 490, Aberdeen, SD 57402-0490
Loren and Roberta Seidschlaw, 14909 351st Ave., Wecota, SD 57438

WATER MANAGEMENT BOARD MEMBERS

Francis E. Brink, Chairman
1214 South Wells Street
Aberdeen, SD 57401-7351

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Marian Gunderson
811 West 3rd
Yankton, SD 57078-3702

BOARD ATTORNEY

John Guhin, Deputy Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

WATER RIGHTS PROGRAM

Department of Environment and
Natural Resources

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

STAFF ATTORNEY

Diane Best
Assistant Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

CERTIFICATION

I hereby certify that on August 2, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 2, 2000, along with the names and addresses of the Water Management Board Members, regarding Preparation of Findings of Fact, Conclusions of Law and Final Decision for Water Permit Application No. 6185-3, addressed as stated below:

Paul Hofer
Blumengard Colony
35075 148th Street
Faulkton, SD 57438

Sharon and Jack Jones
P.O. Box 143
Faulkton, SD 57438

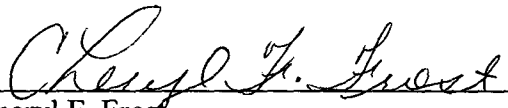
Ryan Boe
Siegel, Barnett & Schutz
P.O. Box 490
Aberdeen, SD 57402-0490

Loren and Roberta Seidschlaw
14909 351st Ave.
Wecota, SD 57438

A copy of the above described Notice and attachment was sent Inter-office to:

John Guhin, Deputy Attorney General, Capitol Building.

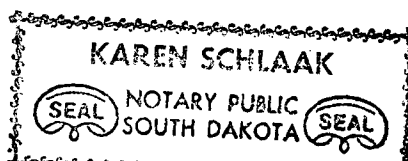
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of August, 2000


Notary Public



KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)	
APPLICATION NO. 6185-3,)	FINDINGS OF FACT, CONCLUSIONS
BLUMENGARD COLONY)	OF LAW, AND FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate .667 cfs (300 gpm) from one well approximately 300 feet deep located in Faulk County.

2. The water will be used in a dairy barn and will serve as a backup well to serve the Applicant's hog operation.

3. The source of the water is the Grand Aquifer which is a buried outwash (sand and gravel) under artesian conditions in the area of the application. The aquifer underlies 74,200 acres and contains an estimated 556,000 acre feet of recoverable water in storage in Faulk County.

4. The source of recharge for the Grand Aquifer is leakage from other aquifers or from shallower sources. The recharge area is to the northwest.

5. Monitoring wells in the area indicate that water levels are higher now than they were twenty years ago. The twenty to twenty-five years of records available to the Department represent wide-ranging climatic conditions, including dry years in the 1970's and wet years in the 1990's. In some of the years, there was very substantial recharge--six to seven inches in one year. In other years, there was no recharge. For the entire period, however, the recharge has exceeded the pumping in the

aquifer, as evidenced by the rising level of the aquifer through the last twenty to twenty-five years.

6. A nearby domestic landowner raised the issue of whether her use of a domestic well would be impacted by the grant of the application. The Board finds that there will be no legally cognizable injury. First, the Grand Aquifer has not been depleted by pumping through the last two decades. This indicates that the domestic water user will not lose her water source. This conclusion is bolstered further by the fact that there is a large amount of water in storage. Thus, even assuming a full use of the proposed water right, the Board finds that the domestic user will be able to obtain domestic water through pumping with a well which is defined as "adequate" under state law. Second, the Board finds that it is unlikely that the water right will be used at full capacity on a regular basis. The Board credits testimony that it is unlikely that the water will be used for animal cooling purposes at the peak rate more than four weeks per year. At other times it will be used at a lesser rate or not at all. This will tend to minimize the impact of the application on the domestic user.

7. The Board nonetheless finds that, because the water is under artesian head pressure, it is possible that the water level in the domestic user's well will fall in response to pumping. The condition of the aquifer as set forth above establishes, however, that the domestic user will be able to obtain water simply by lowering her pump. Moreover, the overall condition of

the Grand Aquifer indicates that the amount by which the domestic user's pump may be required to be lowered is not great.

8. The Department has relied, in part, on observation well FA-80A completed into the Grand Aquifer and located about two miles east of the application. The water level in this well is, however, 150 feet below the surface, in contrast to the water level at the site of the application at surface level. This indicates that the area into which the observation well has been completed may not be connected hydrologically with the area in which the application is found. Nonetheless, the information derived from this particular observation well is useful insofar as it demonstrates that the aquifer is being recharged. The implications which may be further drawn from this observation well are otherwise quite limited.

9. In addition to the monitoring well identified above, the engineer who testified relied upon monitoring wells from the Mound City area down into Hand County in the Grand Aquifer to determine recharge. The Board likewise relies on such evidence.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter.
2. There is a reasonable probability that there is unappropriated water available for the applicant's proposed use.
3. The proposed diversion can be developed without unlawful impairment of existing rights. The slight possible decline in head pressure to the opponent domestic user does not unlawfully deprive that person of her existing rights because she can protect those rights simply by lowering her pump.

4. The proposed uses in hog and dairy operations and for domestic purposes are beneficial uses.

5. The proposed uses are in the public interest. The Board has specifically weighed the possibility of a decline in head pressure against the benefits from development of this well in making this determination. The Board has determined that since the benefits from grant of the application are substantial and tangible and the detriments from a slight potential draw down in artesian pressure are small and speculative, that the public interest weighs in favor of the grant of the application.

6. Grant of the permit does not contravene SDCL 46-6-3.1 in that it is not probable that the quantity of water withdrawn annually from the groundwater source will exceed the quantity of average estimated annual recharge of water to the groundwater source. In the alternative, the Board finds, consistent with its decision entitled In the Matter of Rehearing of Water Permit Application No. 4432A-3, Hanson Rural Water System (January 4, 1990), that because the water to be withdrawn here is entirely under artesian head pressure, it is not "withdrawn . . . from a groundwater source" under the meaning of the statute.

FINAL DECISION

The application for Water Permit No. 6185-3 is granted with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water

supplies in adequate domestic wells or in adequate wells having prior water rights.

2. Permit No. 6185-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.

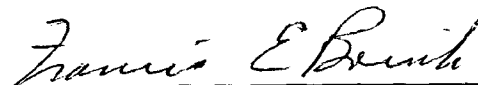
3. The well authorized by Permit No. 6185-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

4. Permit No. 6185-3 is subject to compliance with the existing and applicable Water Management Board Rules:

- (a) Chapter 74:54:01 Ground Water Quality Standards;
- (b) Chapter 74:54:02 Ground Water Permit;
- (c) Chapter 74:51:01 Surface Water Quality Standards;
- (d) Chapter 74:51:02 Uses Assigned to Lakes;
- (e) Chapter 74:51:03 Uses Assigned to Streams;
and
- (f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

Dated this 16 day of October, 2000.

BY THE BOARD:



Francis Brink, Chairman
South Dakota Water Management
Board

p1d9500.jpg(nan)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 18, 2000

NOTICE

TO: Paul Hofer Sharon and Jack Jones
Blumengard Colony P. O. Box 143
35075 148th Street Faulkton, SD 57438
Faulkton, SD 57438

FROM: Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decision, including Findings of Fact and Conclusions of Law, were adopted September 27, 2000, by the Water Management Board approving Water Right Permit Application No. 6185-3, Blumengard Colony. A copy of the signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Greg Magera, Siegel, Barnett & Schutz, P.O. Box 490, Aberdeen, SD 57402-0490
Loren and Roberta Seidschlaw, 14909 351st Ave., Wecota, SD 57438

CERTIFICATION

I hereby certify that on October 18, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 18, 2000, regarding the adoption of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Right Permit Application No. 6185-3, Blumengard Colony, addressed as stated below:

Paul Hofer
Blumengard Colony
35075 148th Street
Faulkton, SD 57438

Sharon and Jack Jones
P. O. Box 143
Faulkton, SD 57438

Greg Magera
Siegel, Barnett & Schutz
P.O. Box 490
Aberdeen, SD 57402-0490

Loren and Roberta Seidschlaw
14909 351st Avenue
Wecota, SD 57438

A copy of the above described Notice was sent Inter-office to:

John Guhin, Deputy Attorney General, Capitol Building
Diane Best, Assistant Attorney General, Capitol Building



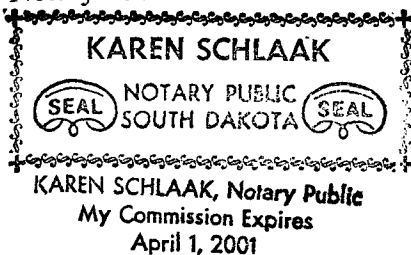
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of October, 2000.



Karen Schlaak
Notary Public





FEB 15 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

6185-3

Blumengard Colony
% Paul Hofer
35075 148th St.
Faulkton, SD 57438

Dear Sir:

Enclosed is Water Permit No. 6185-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Permit No. 6185-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, November 3, 2005, made a thorough examination of the water use system constructed by Blumengard Colony of 35075 148th St., Wecota, SD 57438 holder of Permit No. 6185-3, bearing the priority of March 13, 2000 authorizing the diversion of 0.667 cu. ft. per second of the waters of Grand aquifer for commercial purposes, in Faulk County.

Inspection contact & relationship **Paul Hofer (605) 324-3243**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling, Inc.
- 2) No. of Wells 1
- 3) Depth(s) 290 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 8 inches
- 2) Length 230 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 60 feet
- 3) Static water level at surface

Pump:

- 1) Make Grundfos
- 2) Model
- 3) Size 7.5 hp
- 4) Capacity 300 GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in good condition with the point(s) of diversion located as follows: Approximately 1060 feet south and 2150 feet west of the NE corner of Section 5-T120N-R69W (N 45.24195, W -99.1732). The works are capable of diverting and conveying to the place of use 0.667 cu. ft. per second of water which is to be used for commercial use. Water has been put to beneficial use to the maximum extent as follows:

Water from the well is used to supply water for a dairy operation.

The license should be issued for 0.667 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

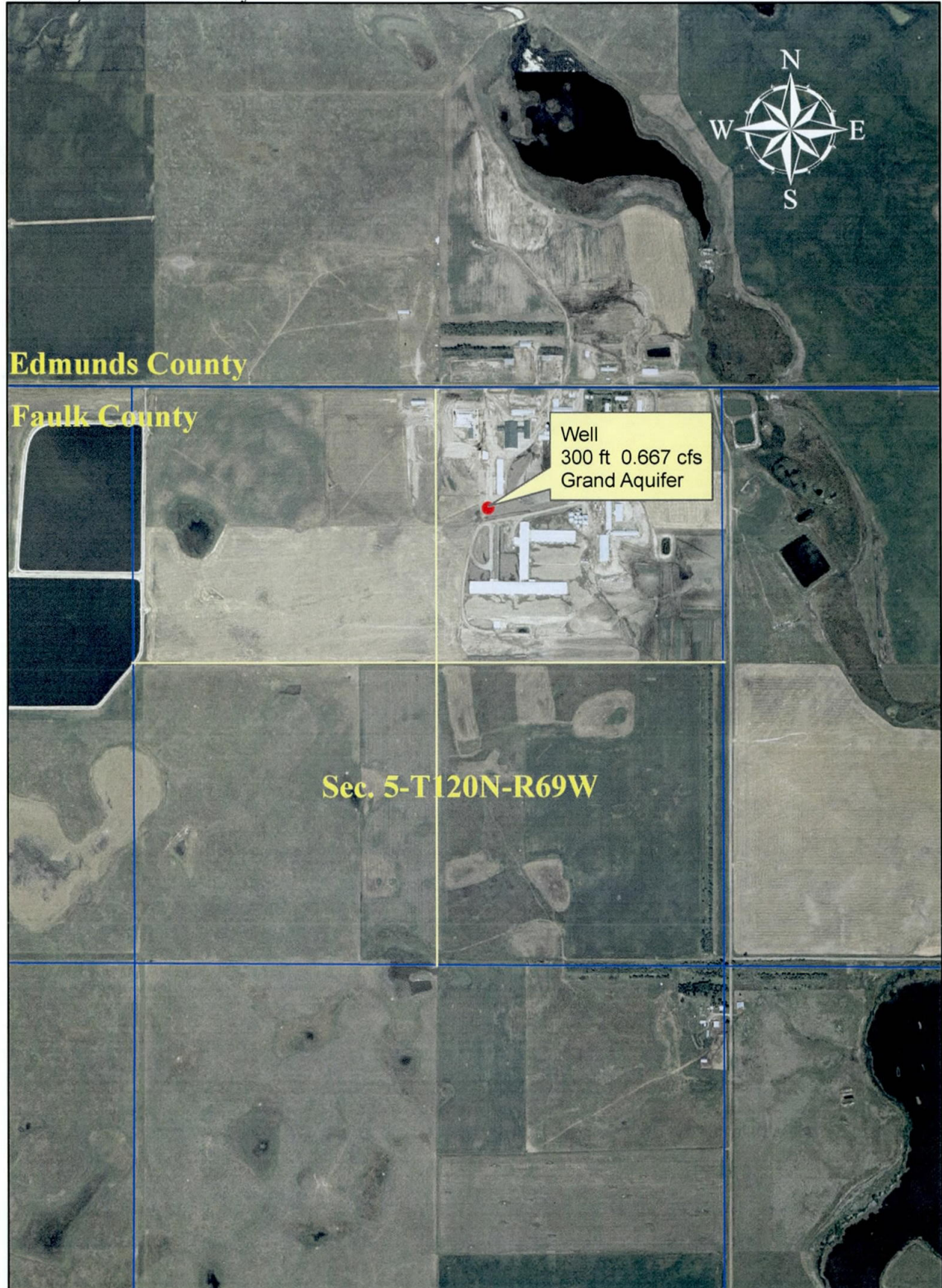


Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: February 14, 2006

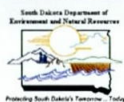
Blumengard Colony
35075 148th St.
Wecota, SD-Faulk County

Water Permit No. 6185-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
February 14, 2006



0 380 760 1,520 2,280 3,040
Feet

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Blumengard Colony

ADDRESS: 35075 148th St. Wecota, SD 57438

DATE: February 14, 2006

COUNTY: Faulk

TELEPHONE: (605) 324-3243

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The ground water source is the same as originally permitted and the developed diversion rate equals the amount of water appropriated by the permit. Permit No. 6185-3 originally appropriated 0.667-cfs of water from one well (Grand aquifer) 300 feet deep located in the NE ¼ NE ¼ Section 5-T120N-R69W. On November 3, 2005, during the inspection of the permit, the well authorized by the permit was located in the NW ¼ NE ¼ Section 5-T120N-R69W instead of the NE ¼ NE ¼ of Section 5. The location of the well is approximately 1060 feet south and 2150 feet west of the NE corner of Section 5-T120N-R69W (N 45.24195, W -99.1732).

- **If irrigation, no new land is irrigated**

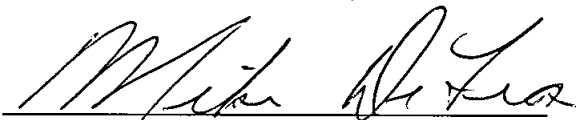
NA

- **Review of Existing Diversions**

Blumengard Colony possesses the only two permits authorized to divert water from the Grand aquifer in the area. Water Permit Nos. 6111-3 and 5942-3 authorize a combined diversion rate of 0.67-cfs of water from the aquifer.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mike DeFea, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUN 12 2008

5942-3
6111-3
6185-3

Paul Hofer
Blumengard Colony
35075 148th St
Wecota SD 57438

Dear Mr. Hofer:

Enclosed are your Water License Nos. 6111-3 and 6185-3. They are the final water right documents completing your process of obtaining Water Rights. Also included are maps prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 6111-3 and 6185-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Permit No. 5942-3 were incorporated into Water License No. 6111-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6185-3**

(1) Blumengard Colony, 35075 148th St, Wecota SD 57438 made Application No. 6185-3, March 13, 2000 for a water permit to divert 0.667 cubic feet of water per second from ground water (one well – Grand Aquifer), Faulk County, South Dakota for domestic use and commercial use in a dairy operation. Permit No. 6185-3, with a priority date of March 13, 2000 was approved September 27, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 27, 2005 and for the application to beneficial use of said water on or before September 27, 2009.

Water Permit No. 6185-3 authorized a well located in the NE ¼ NE ¼ Section 5, T120N, R69W. An investigation of the water use system found the well was located in the NW ¼ NE ¼ Section 5. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.1 the Chief Engineer made a finding that the change in location of the diversion point does not increase the potential for adverse effects to existing diversions.

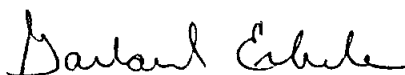
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.667 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,060 feet south and 2,150 feet west of the NE corner of Section 5, T120N, R69W (NW ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Blumengard Colony, 35075 148th St, Wecota SD 57438 the holder and/or owner of Water Right No. 6185-3 is issued a license to appropriate water, the right to use 0.667 cubic feet of water per second from ground water (one well – Grand Aquifer) with a priority date of March 13, 2000 from the location specified in (2) of this license for domestic use and commercial use in a dairy operation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6185-3 and subject to the following applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No 6185-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit for concentrated animal feeding operations.
- Permit No. 6185-3 is subject to compliance with the existing and applicable Water Management Board Rules:
Chapter 74:54:01 Ground Water Quality Standards;
Chapter 74:54:02 Ground Water Discharge Permit;
Chapter 74:51:01 Surface Water Quality Standards;
Chapter 74:51:02 Uses Assigned to Lakes;
Chapter 74:51:03 Uses Assigned to Streams; and,
Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 12 2006
date

